

REQUEST FOR DEVELOPER
QUALIFICATIONS and PROPOSALS

Property Being Offered by the
City of Norfolk, Virginia
for
Residential and Mixed Use Development

Northwest Corner of Virginia Beach Boulevard and Tidewater Drive

March 19, 2004

Offered By
City Manager - The City of Norfolk

TABLE OF CONTENTS

I.	INVITATION	page 3
II.	PROPERTY DATA	page 5
III.	OFFERING PRICE	page 6
IV.	RESPONSE SUBMITTAL DATE	page 6
V.	SELECTION PROCESS	page 7
VI.	SUBMISSION REQUIREMENTS	page 8
VII.	CONDITIONS OF SUBMISSIONS	page 10

EXHIBITS

1.	Site Location	page 12
2.	Existing Conditions	page 13
3.	Vicinity Map	page 14
4.	Water Lines	page 15
5.	Sewer Lines	page 17
6.	Real Estate Assessment Plate	page 19

ATTACHMENTS

I.	Anti-Collusion Statement	page 20
II.	Ethics in Public Contracting	page 21
III.	Nondiscrimination	page 24

Exhibits provided are for the developer's information ONLY and do not constitute any guarantees, warranties, or representations as to their accuracy.

INVITATION

The City of Norfolk is experiencing tremendous redevelopment in its downtown and throughout the community. These achievements are the result of comprehensive plans that identify the best urban design concepts and commitment to quality. Additional development opportunities are now available. The City of Norfolk is pleased to invite interested developers to respond to a *Request for Developer Qualifications and Proposals* (RFQ-P) for the opportunity to create a mixed use development at the northwest corner of Virginia Beach Boulevard and Tidewater Drive. The City would like to receive proposals made in response to this RFQ-P that include a combination of residential and commercial uses that is based on sound market analysis. The goal of this process is to select a project that continues the revitalization of this section of the city and makes a positive contribution to its immediate surroundings and the larger community.

The property was most recently used as a Red Carpet Inn with associated parking. The motel had been owned and operated by various interests. The physical condition of the property and its use had become a blighting condition for the surrounding community and was a major hindrance to its vitality and further development. In 2002, the City purchased the property to remove its blighting influence. Since then, the building has been demolished, and the site is cleared and graded. The use of this comprehensive RFQ-P is intended to provide the City with the opportunity to create a quality development that resonates with excitement and garners surrounding community support, has interesting architectural value and complementary landscape.

The site is bounded on the east by Tidewater Drive, south by Virginia Beach Boulevard, and west by Chapel Street. The 4.7 acre site is located within a city block and a broader district that has undergone redevelopment over the years. Single family homes, a small scale apartment building, a high rise elderly complex, a nursing home, a branch library, and several churches are adjacent land uses. The Calvert Park housing community, operated by the Norfolk Redevelopment & Housing Authority, is located opposite the site on the south side of Virginia Beach Boulevard.

The site enjoys high visibility on Tidewater Drive and on Virginia Beach Boulevard. The development proposal should anticipate retention of the current roadway characteristics of the two highways and configure the site's proposed pattern of access, parking, and development accordingly.

Proposals for the property may include a mix of uses such as:

1. Mixed Use Residential - Mix of housing types, homeownership opportunities, and densities.
2. Mixed Use Commercial – Retail with strong operators adding to the retail mix of the market area. Strong operators were emphasized by the community.

3. Mixed Use Office – General, professional, and medical offices may also be considered.
4. Other – A joint venture with a public entity, such as universities, research centers, etc., will be considered.

In conjunction with community input, the following activities are not being considered for the site:

- Uses that have a high probability of contributing to destabilizing influences (i.e. clubs, convenience stores selling alcohol, a homeless shelter, another hotel, incompatible industrial uses).
- Auto-dependent uses, such as car washes, focused on visibility and traffic counts without meaningfully contributing to community development.
- Non-tax producing uses such as religious institutions.

The preferred uses reflect the overall vision of the community, which includes the Church Street and Broad Creek planning areas. It is the intent of this development to create a valued asset for the community. The preferred RFQ-P developer responses will propose a mixed use project of quality architectural design and building materials, in order to attract residents who will, then, contribute to the creation of an urban living environment. The layout of the development should also respect the urban character and nature of Norfolk rather than suburban style development. Furthermore, the successful developer respondents will directly contribute to the enhancement of future revenue streams to the City based on significantly increased property values in the area. A preliminary market feasibility study conducted by a recognized professional in the field of market analysis of business development will be required to support the proposal.

PROPERTY DATA

Location:	A vacant parcel of land situated on the northwest corner of the intersection of Virginia Beach Boulevard and Tidewater Drive.
Property Size:	4.7 acres
Zoning:	The site's current zoning is C-2 Corridor Commercial. The site's current zoning allows a broad range of uses including office and related uses, retail sales and services, and various other uses classified as miscellaneous. Additional uses, including residential uses above the 1 st floor, are permitted with the approval of the City Council through the 'special exception' process. Proposals may not necessarily be limited to the existing zoning applicable to the site. Depending on the quality of the proposal and its compatibility with the site's surroundings, a change of zoning may be requested for the project.
Utilities:	All utilities are available to the property. Two, ten-inch sanitary sewer lines bisect the eastern portion of the property. One line continues across Virginia Beach Boulevard, the other makes a 90 degree turn to the west along Virginia Beach Boulevard. Because these lines service areas beyond the site, development over them may only include internal walkways, landscaping, etc. Further exploration would be needed to determine the cost of relocating/replacing the lines. The site is serviced by two, six-inch water lines from Chapel Street and Virginia Beach Boulevard.
Access:	Access to the site is impacted by the traffic circle at the Tidewater Drive and Virginia Beach Boulevard intersection. Many of the turn movements are accomplished by looping through at least portions of the circular configuration. Ingress and egress into the site is currently limited to right in, right out traffic movements due to the continuous medians along the development parcel from the intersection through Virginia Beach Boulevard and Tidewater Drive.
Traffic:	Virginia Beach Boulevard and Tidewater Drive are primary arterials. Traffic counts (average annual weekday traffic in both directions):

Tidewater Drive – 32,000
Virginia Beach Boulevard – 18,000

The cost of infrastructure necessary to support the project proposals should be anticipated as a direct developer cost of any proposed project.

OFFERING PRICE

The property was appraised by Commercial First Appraisers, L.L.C. in January 2002 for \$1.2 M, based on the land value. It is the City's desire to recover the cost associates with purchase of the property and the cost for the building demolition and grading of the site. The cost to the city for these actions was \$1,172,000, which is the offering price. The City will entertain proposals to purchase the parcel based on the "Best Offer" of value to the City for this prime site.

RESPONSE SUBMITTAL DATE

Development Proposal Responses must be received by the City Manager no later than 5:00 p.m., May 3, 2004. Development Proposals *will not be accepted* after this time.

COMMUNICATION AND CONFIDENTIALITY

Each development proposer is hereby advised that, consistent with the Virginia Freedom of Information Act and in accordance with City policy, the confidentiality and integrity of each proposal will be kept protected throughout the Evaluation and Selection Process, provided such proposals are only submitted to the City Manager. Throughout the selection process, all communication, questions and the provision of any additional documents, as requested, which is related in any way to this RFQ-P, contemplated or submitted development proposals, the process of evaluation and selection of developer(s) are to be directed solely to the City Manager's designee, Jeff Muzzy, Assistant City Manager.

The Norfolk City Charter makes the City Manager or her designee solely responsible for negotiating agreements. The City Council has the sole authority to approve/reject any such proposed agreements. No member of the City Council may negotiate with any property owner or developer; nor may any individual member of the City Council give direction to any member of the City Manager's staff, or private party regarding such matters.

Sealed submittals are to be addressed as follows for either mail or hand delivery:

Regina V. K. Williams, City Manager
810 Union Street
City Hall Building, Suite 1101
Norfolk, Virginia 23510
(757) 664-4242
(757) 664-4239 fax

Additional information beyond what is called for in this Request for Developer Qualifications and Proposals that the developer feels is relevant to the proposal may be included with the submission.

EQUAL OPPORTUNITY BUSINESS DEVELOPMENT

It is the policy of the City of Norfolk to facilitate the establishment, preservation, and strengthening of small businesses and businesses owned by women and minorities and to encourage their participation in the City's procurement activities. Toward that end, the City encourages these firms to compete and encourages non-minority firms to provide for the participation of small businesses and businesses owned by women and minorities through partnerships, joint ventures, subcontracts, and other contractual opportunities. Offerors are asked, as part of their submission, to describe any planned use of such businesses in fulfilling this contract.

NORFOLK BUSINESSES

It is the policy of the City to support Norfolk businesses and workforce development and it encourages companies with corporate offices in Norfolk and which employ Norfolk residents to compete for City contracts. Offerors are asked, as part of their submission, to advise of their Norfolk location and detail their employment of Norfolk residents.

SELECTION PROCESS

The City Manager invites interested developers to participate in a selection process that combines a Request for Qualifications with the Request for Proposals (RFQ-P) to develop this site for mixed use.

The City reserves the right to reject any and all proposals and to waive minor informalities. The City further reserves the right to seek new proposals when doing so is reasonably in the best interest of the City of Norfolk.

The City of Norfolk will conduct a fair and impartial process for the selection of the development team(s) for these projects. The Review Committee will include City Administration staff. This committee will review all proposals and short list development teams to interview. The Review Committee will recommend to the City Manager a development proposal for the site. Following selection, City Staff will begin negotiations of a Land Disposition and Development Contract with the selected development team. The City Manager reserves the right to modify the process or change any of the dates set forth.

In its recommendation, the Review Committee will place emphasis on the experience of the development team, *as a team*, its qualifications, the financial capacity of the team, the quality and benefit to be derived from the development, the fit of the project with the submitted market analysis, consideration of the "Best Offer" of value to the City, and any proposed terms, and the development schedule. All materials should be marked **Confidential - City Manager Working Papers**, including financial statements, and these documents will be treated confidentially.

Selection Criteria

1. *Developer Experience* - Development team's proven ability, as a *team*, to successfully develop a high-quality mixed use project of a comparable or greater size, complexity, and mix of product to that which is being proposed.
2. *Developer Qualifications* - Information pertaining to previous development type(s), project(s) descriptive information and characteristics, dollar values, evidence of close interaction with neighborhood groups and local officials, and a track record in public/private ventures will be considered within the context of the total development proposal.
3. *Developer Financial Capacity* – Ability of developer to secure construction and permanent financing for the project and the financial strength of their equity investor, having the capacity to implement the project on a timely basis and see it to its completion.
4. *Market Study* – The credibility of the market feasibility study and its fit with the development proposal.
5. *Proposed Development Quality* – Overall quality of the proposed development concepts and its relationship to the land uses in the block.
6. *Public Benefits* – Financial feasibility of a project that achieves the City of Norfolk's intention that this mixed use development project will perpetuate the momentum in the overall redevelopment of the surrounding community. It should provide a source of future revenues as a result of the quality and market desirability of the product developed on this property.
7. *References* – References provided will be contacted to discuss the team's qualifications and history.

SUBMISSION REQUIREMENTS

All proposals are to be bound and should respond to the following information in the order stated below:

1. Identification of all members of the development team, including developer and the legal entity with whom the City of Norfolk would contract, owner, joint venture, or other, architect/designer, lender(s), contractor(s), all as applicable, *and including a written statement by each of the principals*. A clear delineation and description of each person's or firm's role and relationship in the project should be included.
2. Clear identification of *sole representative* of the team with authority to negotiate and contract on its behalf.

3. Detailed evidence of developer's financial capability to carry-out the proposed commitments, including:
 - Identification of source, access and amount of equity to be committed to project ("cash" excluding land value)
 - Audited financial statement of principals
 - Written banking references
 - Submittal of any additional evidence deemed necessary relative to the developer's financial status
4. A description of the team members' experience functioning as a *team* in like residential or mixed-use ventures, particularly projects of similar size, density and overall value.
5. A comprehensive description of the project including, but not limited to the following key elements:
 - Overall design approach, intended level of quality, proposed class of construction and materials, proposed number and type of residential/commercial units, target market, development implementation plan and timeline;
6. Graphic illustrations of the conceptual design for the project, including residential/commercial units and community features, depicting architectural character and style. Please include:
 - Site Plan
 - Front and Side Elevations at street, indicating proposed exterior finishes
 - Building sections and interior perspectives
 - Ground floor plan and representative upper floors
7. A *detailed development pro forma*, including financing, pre-development, marketing, construction, sales/leasing, parking, operating and other costs assumptions; as well as, gross and net sales and leasing revenue assumptions.
8. A total development cost budget identifying source(s) and use(s) of funds.
9. Developer's proposed marketing plan and budget that describes how the project will be marketed and staffed.
10. The anti-collusion statement attached to this RFP must be executed and returned with proposal documents. See Attachment III.
11. The City of Norfolk reserves the right to ask for further information from the respondent at any time during the process, either in writing or orally, and any such requests will be addressed to the contact authorized by the respondent to represent the developer.

12. To the extent possible, the City encourages respondents to consider joint ventures and/or subcontracting with minority and/or women-owned businesses that have the qualifications and resources to participate in the services requested.
13. The City of Norfolk reserves the sole right to judge the respondent's representations, either written or oral, as to their veracity, substance and relation to this particular project scope.

Proposal Due Date:

1. Sealed submissions of Development Proposals must be received by the City Manager no later than 5:00 p.m., May 3, 2004. Development Proposals *will not* be accepted after this time.
2. During this process, all communication related to this RFQ-P must be directly with the City Manager or her designated representative. The Norfolk City Charter and other State legislation make the City Manager or her designee solely responsible for negotiating agreements, including public/private agreements. The City Council has the sole authority to approve/reject any such proposed agreements. No member of the City Council shall negotiate with any property owner or developer; nor shall any individual member of the City Council give direction to any member of the City Manager's staff, or private party regarding such matters.
3. Submitting developers should submit twelve (12) original and complete copies of their proposal submission.
4. Submittals are to be addressed as follows for either mail or hand delivery:

Regina V. K. Williams, City Manager
810 Union Street
City Hall Building, Suite 1101
Norfolk, Virginia 23510
(757) 664-4242
(757) 664-4239 fax

CONDITIONS OF SUBMISSIONS

1. *Incurred Expenses:* The City of Norfolk will not be responsible for any expenses that respondents may incur in preparing and submitting proposals called for in this Request For Qualifications and Proposals.
2. *Interviews:* The City of Norfolk may require presentations of selected respondents prior to selection. The City will not be liable for any costs incurred by the respondents in connection with such interviews/presentations (i.e., travel, accommodations, etc.).

3. *Addendum and Amendment to Request for Qualifications and Proposals:* If it becomes necessary to revise or amend any part of this Request For Qualifications and Proposals, the City will furnish the revision by written Addendum to all prospective respondents who received an original Request For Proposals.
4. *Proprietary Information:* All responses prepared by the respondents under this request will be for the exclusive, personal and deliberative use of the City Manager under "Working Paper" criteria and should be clearly marked *Confidential - City Manager Working Paper*. All development proposals received in response to this Request for Qualifications and Proposals will become the property of the City of Norfolk and will not be returned to the respondents.
5. *Respondent's Certifications:* By submitting a proposal, the respondent certifies that he has fully read and understands the proposed method and has full knowledge of the scope, nature, and quality of work to be performed.
6. *Late Proposals:* Development proposals received by the City of Norfolk after the time specified for receipt will not be considered. Respondents shall assume full responsibility for timely delivery of Development Proposals to the location designated for receipt of proposals.

Exhibit 1 Site Location



Exhibit 3 Vicinity Map



Exhibit 4 Water Lines

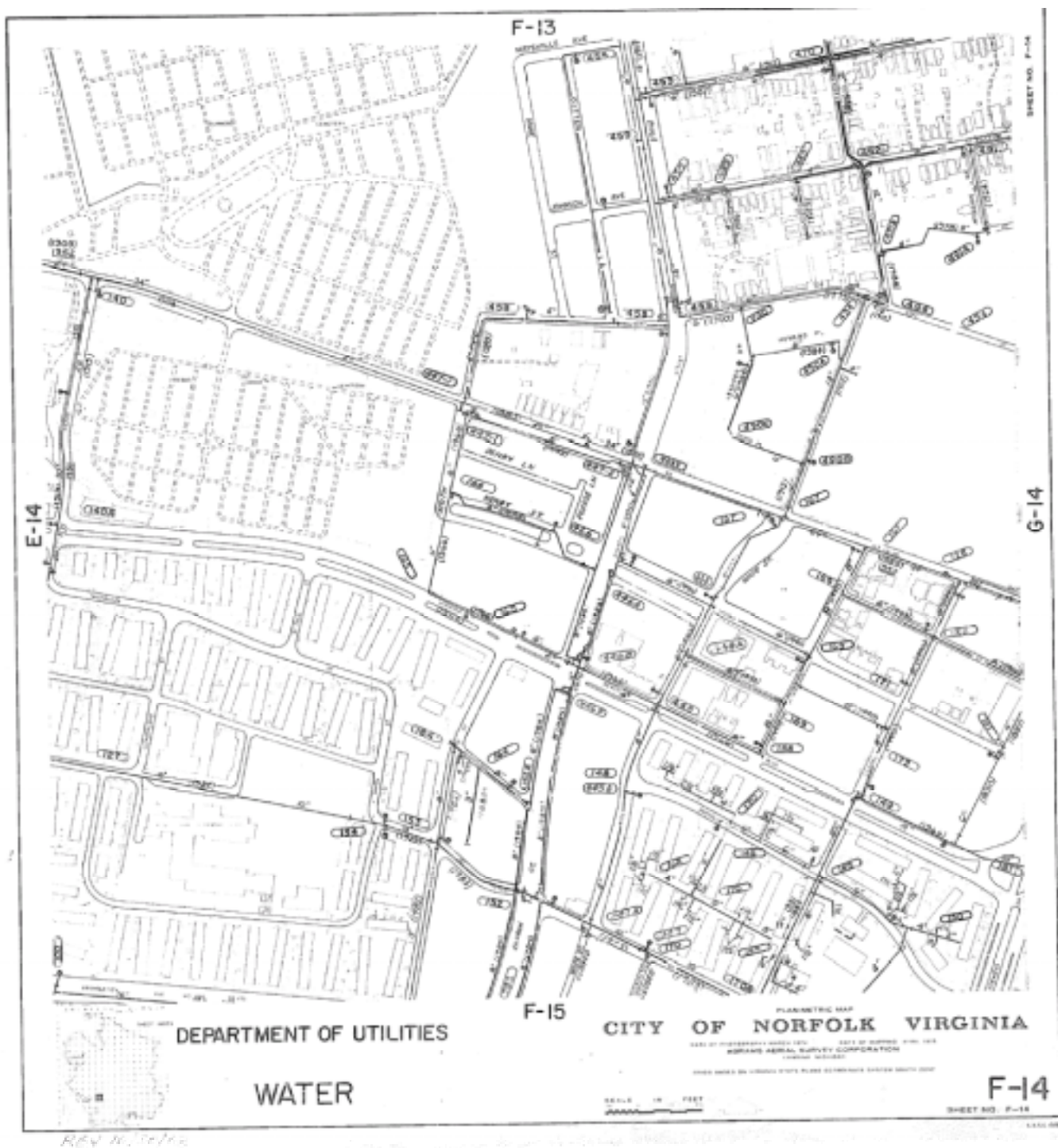


Exhibit 4 Water Lines

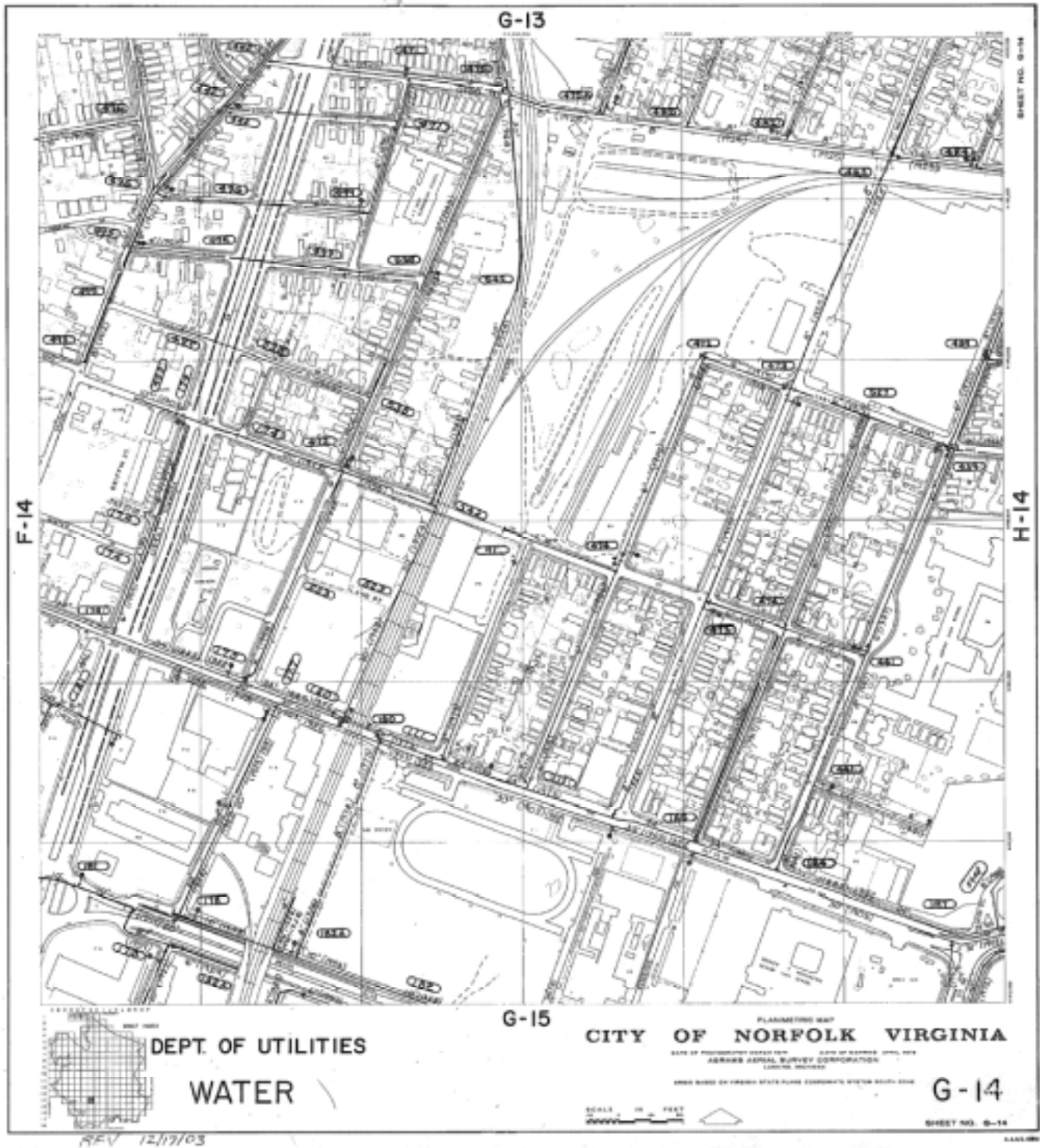
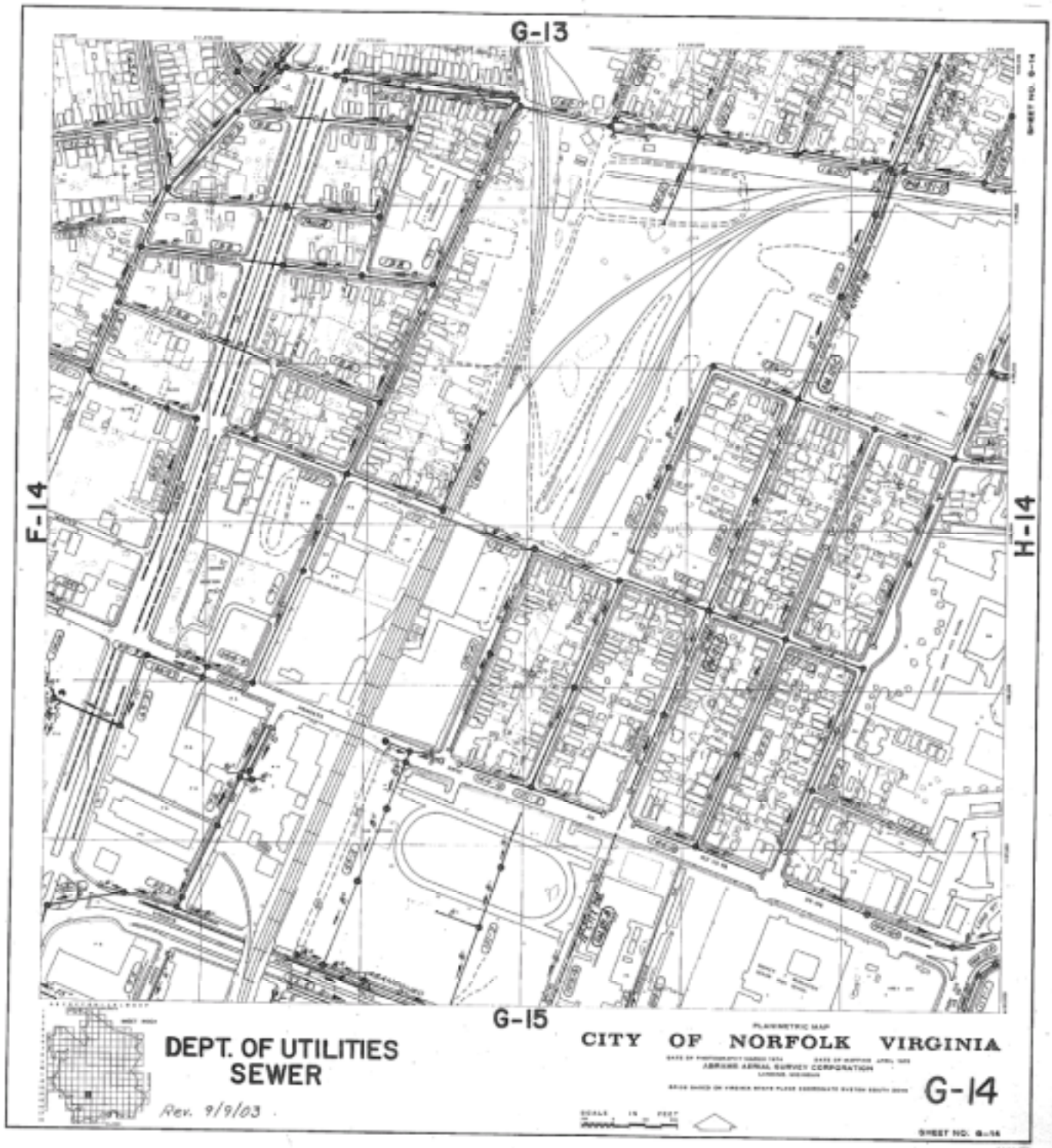


Exhibit 5 Sewer Lines



The utility information may not represent the most recent system changes or improvements. The successful consultant should contact the Department of Utilities for the latest information

Exhibit 5
Sewer Lines



ANTI-COLLUSION STATEMENT

TO ALL OFFERORS: THIS STATEMENT MUST BE EXECUTED AND RETURNED WITH PROPOSAL DOCUMENTS TO RECEIVE CONSIDERATION.

In the preparation and submission of this proposal on behalf of _____ (name of vendor), we did not either directly or indirectly enter into any combination or arrangement with any person, firm or corporation, or enter into any agreement, participate in any collusion, or otherwise take any action in the restraint of free competition in violation of the Sherman Anti-Trust Act, 15 USCS Sections 1 et seq., or the Conspiracy to Rig Bids to Government Statutes, Virginia Code Sections 59.1-68.6 through 59.1-68.8.

The undersigned vendor hereby **certifies** that this agreement, or any claims resulting there from, is not the result of, or affected by, any act of collusion with, or any act of, another person or persons, firm or corporation engaged in the same line of business or commerce; and, that no person acting for, or employed by, the City of Norfolk has an interest in, or is concerned with, this proposal; and, that no person or persons, firm or corporation, other than the undersigned, have or are interested in this proposal.

BY: _____

COMPANY

BUSINESS ADDRESS

DATE

ETHICS IN PUBLIC CONTRACTING

Sec. 33.1-86. Purpose.

The provisions of this chapter supplement, but do not supersede, other provisions of law including, but not limited to, the State and Local Government Conflict of Interests Act [Virginia Code Sec. 2.1-347 to Sec. 2.1-358], the Virginia Governmental Frauds Act [Virginia Code Sec. 18.2-498.1 to Sec. 18.2-501], and statutory prohibitions against bribery [Virginia Code Sec. 18.2-438 to Sec. 18.2-450]. The provisions of this article apply notwithstanding the fact that the conduct described may not constitute a violation of the State and Local Government Conflict of Interests Act. (Ordinance No. 34,573, 2, 8/1/87).

Sec. 33.1-87. Proscribed participation by public employees in procurement transactions (Ord. No. 34,573, 2, 8/1/87).

No public employee having official responsibility for a procurement transaction shall participate in that transaction on behalf of the city when the employee knows that:

1. The employee is contemporaneously employed by a bidder, offeror or contractor involved in the procurement transaction; or
2. The employee, the employee's partner, or any member of the employee's immediate family holds a position with a bidder, offeror or contractor such as an officer, director, trustee, partner or the like, or is employed in a capacity involving personal and substantial participation in the procurement transaction, or owns or controls an interest of more than five percent; or
3. The employee, the employee's partner, or any member of the employee's immediate family is negotiating, or has an arrangement concerning, prospective employment with a bidder, offeror or contractor.

Sec. 33-1-88. Solicitation or acceptance of gifts.

No public employee having official responsibility for a procurement transaction shall solicit, demand, accept, or agree to accept from a bidder, offeror, contractor or subcontractor any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal or minimal value, present or promised, unless consideration of substantially equal or greater value is exchanged. The city may recover the value of anything conveyed in violation of this section.

Sec. 33.1-89. Disclosure of subsequent employment.

No public employee or former public employee having official responsibility for procurement transactions shall accept employment with any bidder, offeror or contractor with whom the employee or former employee dealt in an official capacity concerning procurement transactions for a period of one year from the cessation of employment by the city unless the employee, or former employee, provides written notification to the city manager prior to commencement of employment by that bidder, offeror or contractor.

Sec. 33.1-90. Gifts by bidders, offerors, contractors or subcontractors.

No bidder, offeror, contractor or subcontractor shall confer upon any public employee having official responsibility for a procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is exchanged.

Sec. 33.1-91. Kickbacks.

1. No contractor or subcontractor shall demand or receive from any of his suppliers or his subcontractors, as an inducement for the award of a subcontract or order, any payment, loan, subscription, advance, deposit of money, services or anything, present or promised, unless consideration of substantially equal or greater value is exchanged.
2. No subcontractor or supplier shall make, or offer to make, kickbacks as described in this section.
3. No person shall demand or receive any payment, loan, subscription, advance, and deposit of money, services or anything of value in return for an agreement not to compete on a public contract.
4. If a subcontractor or supplier makes a kickback or other prohibited payment as described in this section, the amount thereof shall be conclusively presumed to have been included in the price of the subcontract or order and ultimately borne by the city and will be recoverable from both the maker and recipient. Recovery from one offending party shall not preclude recovery from other offending parties.

Sec. 33.1-92. Purchase of building materials, supplies or equipment from architect or engineer prohibited.

Except in cases of emergency, no building materials, supplies or equipment for any building or structure constructed by or for the city shall be sold by or purchased from any person employed as an independent contractor by the city to furnish architectural or engineering services, but not construction, for such building or structure, or from any partnership, association, or corporation in which such architect or engineer has a pecuniary interest.

Sec. 33.1-93. Penalty for violation.

Willful violation of any provision of this article shall constitute a class 1 misdemeanor. Upon conviction, any public employee, in addition to any other fine or penalty provided by law, shall forfeit his employment.

Sec. 33.1-94-100. Reserved.

NONDISCRIMINATION

Sec. 33.1-53. Employment discrimination by contractor prohibited.

Every contract over \$10,000 shall include or incorporate by reference the following provisions:

1. During the performance of this contract, the contractor agrees as follows:
 - a. The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin, except where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
 - b. The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.
 - c. Notices, advertisements, and solicitations placed in accordance with federal law, rule, or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
2. The contractor will include the provisions of the fore-going paragraphs a, b, and c in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.